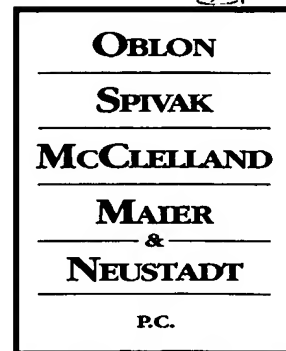




Docket No.: 240708US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

SURINDER SACHAR
(703) 413-3000
SSACHAR@OBLON.COM

RE: Application Serial No.: 10/625,583
Applicants: Kenichi HAYASHI, et al.
Filing Date: July 24, 2003
For: SEMICONDUCTOR DEVICE AND
SEMICONDUCTOR ASSEMBLY MODULE
Group Art Unit: 2826
Examiner: Williams, A.O.

SIR:

Attached hereto for filing are the following papers:

RESPONSE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

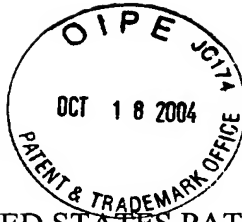
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(703) 413-3000 (phone)
(703) 413-2220 (fax)

Surinder Sachar
Registration No. 34,423

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DOCKET NO: 240708US2



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KENICHI HAYASHI, ET AL. : EXAMINER: WILLIAMS, A. O.
SERIAL NO: 10/625,583 :
FILED: JULY 24, 2003 : GROUP ART UNIT: 2826
FOR: SEMICONDUCTOR DEVICE AND :
SEMICONDUCTOR ASSEMBLY
MODULE

RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement of September 16, 2004, applicants elect, with traverse, the species of Figure 1A and identify claims 1-8, 15, 18, and 19 as reading on the elected species. Applicants also note that claim 1 is generic. Applicants make the above-noted election with traverse in the following respects.

First, applicants traverse the statement in the Office Action that no claims are generic as applicants submit that claim 1 is generic. Claim 1 recites keeping a gap between the semiconductor device and the external electric member constant, and each of the semiconductor devices in Figures 1A to 21 has such a feature. Further, claim 20 includes a semiconductor device of claim 1 as a member. Thus, applicants submit that claim 1 is clearly generic to each of the species. Applicants also note that claim 1 clearly must be generic as each of the other claims depends from claim 1.

Applicants also note the basis for the outstanding Election has not even set forth what the different species are. Applicants submit it is clearly not the case that each of Figures 1A to 22 disclose a single species, and thus applicants note the basis for the outstanding Election is clearly improper in that respect. Applicants note at least each of Figures 1A-10 and 17A-21 are directed to a same species.

Applicants also traverse the outstanding Election of Species requirement as it has not been established that it would be an undue burden to examine all the claims together. More specifically, under M.P.E.P. § 803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding Election of Species requirement has not made any indication that it would be an undue burden to examine each of the noted claims together.

In view of the foregoing comments, applicants respectfully believe that an examination to each of claims 1-20 is proper, but, as noted above, for purposes of the outstanding Election of Species requirement applicants elect the species of Figure 1A and note that each of claims 1-8, 15, and 19 is readable thereon.

An early and favorable consideration of the present application is hereby respectfully requested.

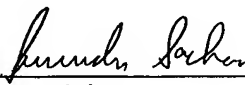
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
GJM/SNS:sjh

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Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423
Attorneys of Record